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**U.S. Department of the Interior  
Bureau of Land Management  
Kremmling Field Office  
P.O. Box 68  
Kremmling, CO 80459**

## **ENVIRONMENTAL ASSESSMENT**

NUMBER: DOI-BLM-CO-120-2009-0036-EA

PROJECT NAME: Grand County Road 402 Amendment

LEGAL DESCRIPTION: T. 2 N., R. 77 W., Section 23: Lot 3

KREMMLING FIELD OFFICE, KREMMLING, COLORADO

CASEFILE/PROJECT NUMBER: COC-55167

APPLICANT: Grand County Board of County Commissioners

PURPOSE AND NEED FOR THE ACTION: Grand County Board of County Commissioners, through their Road and Bridge Department, have applied for an amendment to their right-of-way (ROW) for an eastern portion of Grand County Road 402 that would allow access to land they have recently purchased adjacent to the east side of CO Hwy. 125. The existing access on public land is too steep to bring to county standards (<5% grade). An access off of Hwy. 125 is needed to provide the shortest route with the least ground disturbance to the newly purchased property. If it was determined that the newly acquired property was no longer needed, the county would probably sell the property and would need good access to do so.

Background/Introduction/Issues and Concerns: The property that needs an access road was bought to be a buffer between the landfill and the residential subdivision on the west side of CO Hwy. 125. There was also some thought to using the buffer property for a transfer station, but it has been determined the property has covenants associated with it that would prevent the construction of the transfer station unless all subdivision owners agreed to the change. The Granby landfill will be mothballed within the next year and will be revegetated for some other appropriate use. There are probably only a few options for using that land. Some of those options include biking and walking, neither of which would be conducive to a county road running through it to reach the property on the west.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

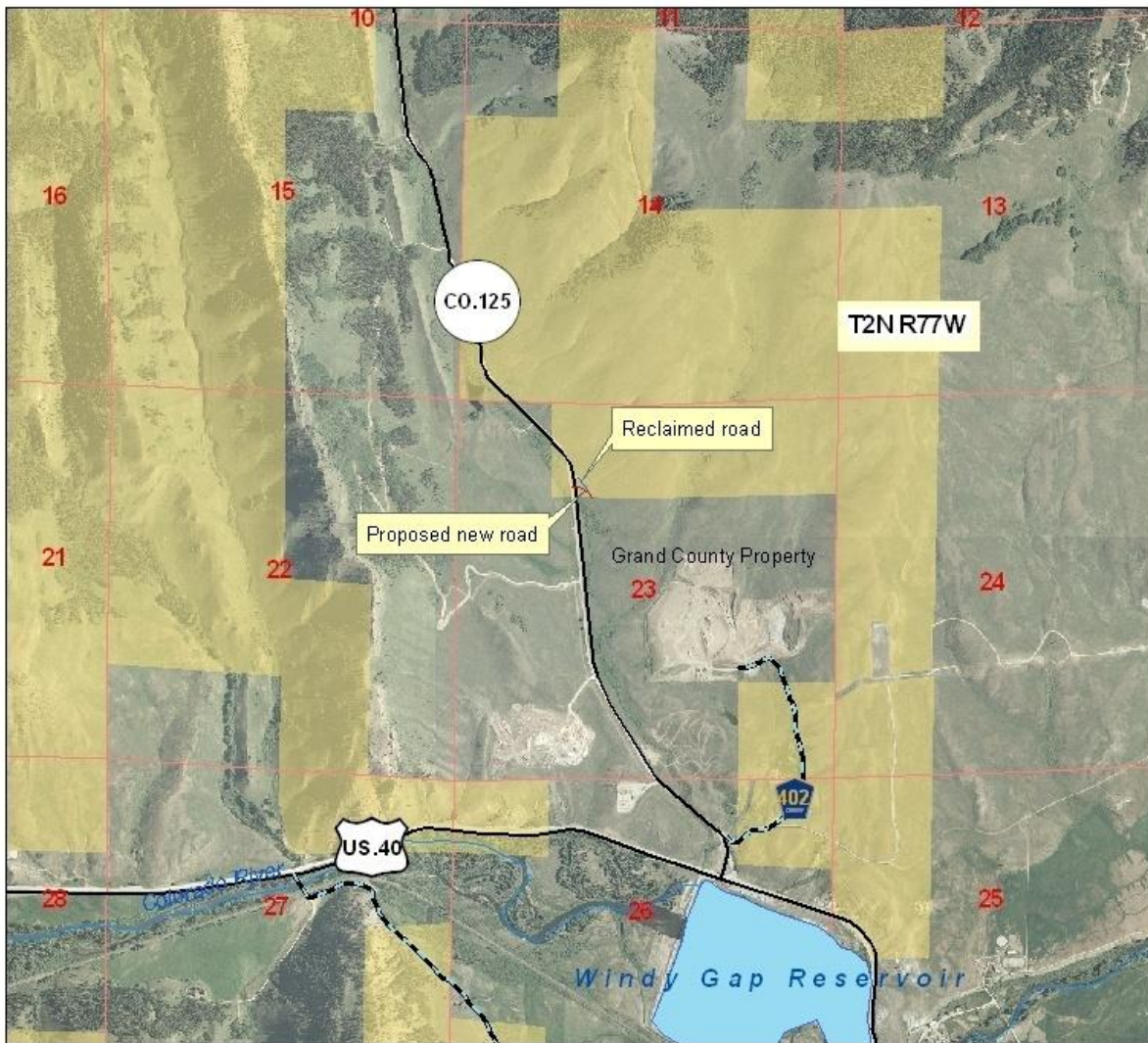
Proposed Action: Grand County Road and Bridge Department would like to improve and construct an access to property owned by Grand County. The road would be the west end of

Grand County road 402 and the two ends of this county road would not meet in the middle. There is a large draw that makes access to this property from the east difficult. Therefore the new road off of Colo. State Hwy. 125 would cross 250 feet of BLM administered lands. The ROW width would be 80 feet encompassing .46 acres of public land. The road would be constructed with an all weather driving surface. The existing access off of CO Hwy. 125 would be used and then the road would curve to the south towards the existing road that crosses the private property fenceline. The road would stay above the willows adjacent to the highway. The portion of the existing road along the ridge not being used and not needed for public access to the jeep trail up the hill (see map) would be reclaimed.

Design Features of the Proposed Action:

- Grand County would be responsible for weed control following completion of the project.
- At a minimum, cut and fill slopes would be less than 1:1.
- The road would be crowned to provide good drainage.
- The road's ditch would be constructed to reduce water downcutting the ditches.
- At the highway turnoff, a culvert would be installed.
- The reclaimed areas would be scarified and good drainage created on any reclaimed slope to prevent rilling.
- All scraped topsoil (top 4 inches) and vegetative material from the road construction would be spread on areas to be seeded, including the reclaimed area to improve seeding success.
- If the entire road project is 1.0 acres or more, than the county is responsible for obtaining a stormwater permit.

# Grand County Road 402



0.08 0.1 0.2 Miles

1:24,000

No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data.

gisuser/nepa/2009/Grand Cty 402

No Action Alternative: The No Action Alternative would be to deny this right-of-way off of Colo. State Hwy. 125 and Grand County would have to access their private property by continuing the existing County Road 402 through the landfill and then construct a new road across the draw. Due to the instability of the landfill area and the draw being a larger more significant wetland crossing than Coyote Creek, this route would not be a likely candidate.

#### ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL:

There is another access just south of the proposed access which was investigated by Grand County. Grand County determined possible wetland issues. The distance to the existing two track, the possible mitigation and new construction needed would require more construction costs than the proposed action.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: The Proposed Action is in conformance with the LUP because it is specifically provided for in the following RMP decision:

Decision Language: **12. Realty**, a. Objective *“Provide the opportunity to utilize public lands for development of facilities which benefit the public, while considering environmental and agency concerns.”*

#### AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES / MITIGATION MEASURES

##### MIGRATORY BIRDS

Affected Environment: The proposed project would be located in sagebrush steppe habitat. Migratory birds expected to inhabit the project site include Green-tailed Towhees, Broad-tailed Hummingbirds, Red-tailed hawks, Common Nighthawks, Sage Thrashers, Black-capped Chickadees, Mountain Bluebirds, and Swainson’s Hawks

Environmental Consequences: The proposed project would eliminate a small amount of sagebrush habitat. However, no take of migratory species would be expected to occur as a result of the project. If the construction of the road is completed after the peak nesting season (April 1<sup>st</sup> to July 15<sup>th</sup>), it is not likely that active nests from ground nesting species would be destroyed. If construction occurs during this period, it is possible that a few nests would be destroyed and/or the activity may cause nest abandonment. In addition, the existing road along the ridge would be reclaimed which would benefit migratory birds using the area. The reclaimed road would

provide hiding and nesting cover as well as supply food for birds. Accordingly, the Proposed Action would not have any major direct, indirect, or cumulative impacts on migratory birds.

Sagebrush habitat would not be lost with the No Action Alternative if this right-of-way was denied. Migratory bird nests would not be disturbed or destroyed in this scenario. Thus, the No Action Alternative would not have any major direct, indirect, or cumulative impacts on migratory birds.

Mitigation: In order to reduce impacts to migratory birds, no construction activities will take place from April 1<sup>st</sup> to July 15<sup>th</sup>.

#### THREATENED, ENDANGERED, AND SENSITIVE SPECIES (includes a finding on Standard 4)

Affected Environment: The proposed project would be located in habitat occupied by Greater sage-grouse, a BLM designated sensitive species. While sage-grouse occupy the project area on a yearlong basis, the area is especially important as nesting and winter habitat for sage-grouse. Two sage-grouse breeding complexes (referred to as leks) are located within four miles of the proposed project, with the closest lek 1.3 miles to the east. The sagebrush habitat adjoining the leks provides hiding and nesting cover for sage-grouse during the breeding season.

No other threatened, endangered or sensitive species are known to inhabit the proposed project area.

Environmental Consequences: Since vegetative loss from the proposed project would occur, a small amount of sage-grouse nesting habitat would be lost and further impacted by the new road. Habitat along the road would be unsuitable due to increased disturbance from vehicles and dust. If the construction of the road is completed after the peak nesting season (March 1<sup>st</sup> to June 30<sup>th</sup>), it is not likely that active nests would be destroyed. If construction occurs during this period, it is possible that a few nests would be destroyed and/or the activity may cause nest abandonment. Some habitat would be restored when the existing road along the ridge is successfully reclaimed with native vegetation. The reclaimed road would provide hiding and nesting cover as well as supply food for birds.

Sagebrush habitat would not be lost with the No Action Alternative if this right-of-way was denied. Sage-grouse nests would not be disturbed or destroyed in this scenario. Thus, the No Action Alternative would not have any major direct, indirect, or cumulative impacts on Greater sage-grouse.

Mitigation: In order to reduce impacts to Greater sage-grouse, no construction activities will take place from March 1<sup>st</sup> to June 30<sup>th</sup>.

Finding on the Public Land Health Standard for Threatened & Endangered species: Since vegetative loss is minimal, neither the Proposed Action nor the No Action Alternative would impact Standard 4 for this allotment.

## SOILS (includes a finding on Standard 1)

**Affected Environment:** The Proposed Action is mapped in the Grand County Soil Survey as occurring in Cimarron loams, 6-15% slopes that are downslope from Youga loams, 15-45% slopes. Although the Survey is not for site specific applications, and the proposed action is very small, it can help indicate expected soils in the area and their limitations.

Cimarron soils formed in alluvium from shale. This results in a loam surface texture of about 10 inches underlain by 22 inches of clay. The substratum is generally a clay loam down to at least 5 feet from the surface. The soil has slow permeability and medium runoff rates. Plant available moisture is high and the soil has a moderate water erosion hazard. The soil is unsuited for use as roadfill and has severe limitations for roads due to low strength and high shrink-swell. The upslope Youga loams are similar to Cimarron loams, but have less than 35% clay in the subsoil. They were formed in glacial drift and colluvium. The top 14 inches are generally loams, underlain by clay loams. Permeability is moderately slow, with medium runoff and a high water erosion hazard. Plant available moisture is also high. Youga soils are rated “poor” for roadfill and have “severe” limitations for roads due to slopes and low strength.

**Environmental Consequences:** The proposed road will be built to county standards’, which includes having less than 5% slope. It is assumed that the county also has other road design standards to create a sustainable road with minimal soil/water impacts. Cut and fill slopes less than 1:1 will help reduce soil slippage (slope failure) that is common on steep slopes, especially with clay soils. Crowning the road would reduce water erosion of the road surface. The road’s ditch should be constructed to reduce water downcutting the ditches. Rilling would be prevented by scarifying and creating good drainage on any reclaimed slope. All scraped topsoil (top 4 inches) and vegetative material from the road construction should be spread on areas to be seeded, including the reclaimed area to improve seeding success.

Under the No Action Alternative, the existing two track and vehicle turn-around would remain. In general the area gets little public use except for the hunting season. The amount of soil disturbance from a road entirely on private would not be significantly different than the Proposed Action’s disturbance.

**Mitigation:** None

**Finding on the Public Land Health Standard for upland soils:** The soils are considered to be meeting the Land Health Standard for upland soils. The Proposed Action is a fairly small area of disturbance and would not affect the overall area’s ability to meet the Standard. By constructing a road with an all weather surface, low grade, and adequate drainage, only minimal erosion should occur.

## VEGETATION (includes a finding on Standard 3)

**Affected Environment:** The project area consists of a dense stand of vegetation with many shrubs and a dense understory of grasses and forbs. The shrubs include big sagebrush (*Artemisia tridentata*), rabbitbrush (*Chrysothamnus* spp), bitterbrush (*Purshia tridentata*), potentilla (*Potentilla* spp), and currant (*Ribes cereum*). Understory grasses include smooth brome (*Bromus inermis*), western wheatgrass (*Pascopyrum smithii*), timothy (*Phleum pratense*),

bluegrasses (*Poa* spp), needle and thread (*Hesperostipa comata*), green needlegrass (*Nassella viridula*) and nodding brome (*Bromus anomalus*). Forbs are dense and include scarlett gilia (*Ipomopsis aggregata*), wild buckwheat (*Eriogonum umbellatum*), western yarrow (*Achillea lanulosa*), aster (*Machaerenthera tanacetifolia*), lupine (*Lupinus* spp), larkspur (*Delphinium* spp), and common harebell (*Campanula rotundifolia*).

Environmental Consequences: The Proposed Action would create a permanent road that would eliminate the vegetation in the road right of way. However, the project area is small and the impact to the overall vegetation in the area would be minimal with increased vegetation on the portion of the existing road along the ridge not being used and not needed for public access to the jeep trail up the hill.

The No Action Alternative would not permit the right of way and the road would not be constructed. Therefore, there would be no disturbance to the existing vegetation in the project area.

Mitigation: None

Finding on the Public Land Health Standard for plant and animal communities (partial, see also Wildlife, Aquatic and Wildlife, Terrestrial): The project area has not been assessed for compliance with the Standards for Public Land Health in Colorado.

#### WILDLIFE, TERRESTRIAL (includes a finding on Standard 3)

Affected Environment: The proposed project would be constructed in sagebrush steppe habitat which is occupied by a variety of terrestrial wildlife. Pronghorn and moose move through the project area at various times in the year enroute to their winter range and are likely to be occasional residents in the summer. Mule deer, Rocky Mountain elk and small mammals including badgers, coyotes, and a variety of small rodents inhabit the area on a yearlong basis.

Environmental Consequences: Since vegetative loss from the proposed project would occur, a small amount of cover and forage for terrestrial wildlife would be lost. Some habitat would be restored when the existing road along the ridge is successfully reclaimed with native vegetation. The reclaimed road would provide hiding cover as well as supply food for wildlife. Animals may temporarily avoid the project area during and after operations due to noise, increased activity, and unfamiliar surroundings. Harassment or disturbance of wildlife would be minimal since construction activities would be short-term, in an isolated area, and not likely to occur during periods of animal concentration. The Proposed Action would not result in any major direct, indirect or cumulative impacts to the area's terrestrial wildlife.

Sagebrush habitat would not be lost with the No Action Alternative if this right-of-way was denied. Wildlife would not be disturbed or impacted in this scenario. Thus, the No Action Alternative would not have any major direct, indirect, or cumulative impacts on Greater sage-grouse.

Mitigation: None

Finding on the Public Land Health Standard for plant and animal communities (partial, see also Vegetation and Wildlife, Aquatic): Since vegetative loss is minimal, neither the Proposed Action nor the No Action Alternative would impact Standard 3 for this allotment.

#### CUMULATIVE IMPACTS SUMMARY:

The area considered for analyzing the incremental effect of the Proposed Action when added to other past, present, and reasonably foreseeable future actions is the Windy Gap area. While the boundaries for cumulative impact analysis will vary for different resources and activities, this area was considered appropriate for all resources and uses.

In regards to past actions, the Windy Gap area has been heavily impacted by a County Dump, a major transmission substation, a small commercial lumber company, a major buried water pipeline and a major highway intersection.

In regards to present and future actions, the Proposed Action would add an additional county road from a major State highway. With the amount of development in the area, there is a high probability that more requests for additional road would occur.

The direct and indirect impacts that would result from the Proposed Action would be minimal due to the proposed mitigation. Thus, there would be no cumulative impacts as a result of the Proposed Action.

The No Action Alternative would have no cumulative effects as there is already an access road in that location. A new road would not be built, but the old road would not be reclaimed.

PERSONS / AGENCIES CONSULTED: No comments were received from the tribes (see Appendix 2 for Native American tribe list). The proposed project was listed on the Kremmling Field Office internet NEPA register and NEPA public room board. No comments were received from the public.

INTERDISCIPLINARY REVIEW: See IDT-RRC in Appendix 1.



## **FONSI**

### **DOI-BLM-CO-120-2009-0036-EA**

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, and considering the significance criteria in 40 CFR 1508.27, I have determined that the Proposed Action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

### **DECISION RECORD**

**DECISION:** It is my decision to authorize the Proposed Action as described in the attached EA. This decision is contingent on meeting all mitigation measures and monitoring requirements listed below.”

**RATIONALE:** The construction of the proposed county road will allow for an access to county property that otherwise would have to come from the opposite side of the property through the Grand County Landfill. As the future of the landfill is uncertain, granting a right-of-way to Grand County would allow for a shorter and easier access to their property. The design features of the Proposed Action and mitigation measures included below will ensure that the applicable natural resources are adequately protected.

**MITIGATION MEASURES:**

In order to reduce impacts to migratory birds, no construction activities will take place from April 1<sup>st</sup> to July 15<sup>th</sup>.

In order to reduce impacts to Greater sage-grouse, no construction activities will take place from March 1<sup>st</sup> to June 30<sup>th</sup>.

**COMPLIANCE/MONITORING:** The right-of-way will be inspected and monitored periodically during terms of the grant to ensure compliance with the terms and conditions of the grant. The right-of-way will also be inspected after any maintenance activities to determine compliance with and effectiveness of reclamation measures.

**NAME OF PREPARER:** Susan Cassel

**NAME OF ENVIRONMENTAL COORDINATOR:** Peter McFadden

**DATE:** 8/12/09

**SIGNATURE OF AUTHORIZED OFFICIAL:** /s/ Peter McFadden

**DATE SIGNED:** 8/12/09

ATTACHMENTS:

- 1) Stipulations
- 2) Seed Mix

APPENDICES:

Appendix 1 – Interdisciplinary Team Analysis Review Record and Checklist  
Appendix 2 – Native American Tribal List

## Appendix 1

### **INTERDISCIPLINARY TEAM ANALYSIS REVIEW RECORD AND CHECKLIST:**

**Project Title: Grand County Rd. 402**

**Project Leader: Susan Cassel**

**Date Proposal Received: (Only for external proposals)**

**Date Submitted for Comment: 3/5/09**

**Due Date for Comments: 5/11/09**

**Need for a field Exam: 3/4/09**

**Scoping Needs/Interested or Affected Publics: (Identify public scoping needs)**

**Consultation/Permit Requirements:**

Consultation	Date Initiated	Date Completed	Responsible Specialist/ Contractor	Comments
Cultural/Archeological Clearance/SHPO	7-23-09	8-2-09	BBW	Cultural resource inventory #CR-09-44 located no sites. The proposed action is a no effect, there are no historic properties that would be affected.
Native American	2/23/2009	7-27-2009	BBW	To date no native American tribe has identified any area of traditional spiritual concern.
T&E Species/FWS	N/A	N/A	MM	
Permits Needed (i.e. Air or Water)			County	The public land segment involves only 0.46 acres of disturbance. If the entire road project is 1.0 acres or more, than the county is responsible for obtaining a stormwater permit.

**(NP) = Not Present**

**(NI) = Resource/Use Present but Not Impacted**

**(PI) = Potentially Impacted and Brought Forward for Analysis.**

NP NI PI	Discipline/Name	Date Review Comp.	Initials	Review Comments (required for Critical Element NIs, and for elements that require a finding but are not carried forward for analysis.)
<b>CRITICAL ELEMENTS</b>				
NI	Air Quality <b>Belcher</b>	7/27/09	PB	The Proposed Action would create dust during the construction but would be of short duration and a small amount, and would not affect overall air quality of the area. The No Action Alternative would not impact air quality.
NP	Areas of Critical Environmental Concern <b>Cassel</b>			There are no Areas of Critical Environmental Concern in the proximity of the proposed project area.
NP	Cultural Resources <b>Wyatt</b>	7-27-09	BBW	Cultural resource inventory #CR-09-44 located no sites. The proposed action is a no effect, there are no historic properties that would be affected.

NP	Environmental Justice	<b>Cassel</b>	8/3/09	SC	According to the most recent Census Bureau statistics (2000), there are no minority or low income communities within the Kremmling Planning Area.
NP	Farmlands, Prime and Unique	<b>Belcher</b>	7/27/09	PB	There are no farmlands, prime or unique, in the proximity of the proposed project area.
NP	Floodplains	<b>Belcher</b>	7/27/09	PB	The Proposed Action is not located in a floodplain and would not indirectly affect a floodplain.
PI	Invasive, Non-native Species	<b>Johnson Torma Scott</b>	7/27/2009	RJ	See analysis in EA
PI	Migratory Birds	<b>McGuire</b>	4/24/08	MM	See analysis in EA.
NI	Native American Religious Concerns	<b>Wyatt</b>	7-27-09	BBW	To date no native American tribe has identified any area of traditional spiritual concern.
PI	T/E, and Sensitive Species (Finding on Standard 4)	<b>McGuire</b>	4/24/08	MM	See analysis in EA.
NP	Wastes, Hazardous and Solid	<b>Hodgson</b>	8/3/09	KH	There are no quantities of wastes, hazardous or solid, located on BLM-administered lands in the proposed project area, and there would be no wastes generated as a result of the Proposed Action or No Action alternative.
NI	Water Quality, Surface and Ground (Finding on Standard 5)	<b>Belcher</b>	7/27/09	PB	The Proposed Action is located in an upland area with a gentle slope and involves less than half an acre of disturbance. If the entire disturbance is 1 acre or more, the county must obtain a stormwater permit and implement BMPs to reduce soil erosion and protect water quality. Soil disturbances and site practices are discussed in the Soil Section of this E.A.
NP	Wetlands & Riparian Zones (Finding on Standard 2)	<b>Belcher</b>	7/27/09	PB	The Proposed Action is located in an upland site. There will be no off site impacts from the Proposed Action.
NP	Wild and Scenic Rivers	<b>Windsor</b>	7/14/09	AW	There are no eligible Wild and Scenic River segments in the proposed project area.
NP	Wilderness	<b>Windsor</b>	7/14/09	AW	There is no designated Wilderness or Wilderness Study Areas in the proximity of the proposed project area.
<b>NON-CRITICAL ELEMENTS</b> (A finding must be made for these elements)					
PI	Soils (Finding on Standard 1)	<b>Belcher</b>	7/27/09	PB	See Soil Section.
PI	Vegetation (Finding on Standard 3)	<b>Johnson Torma Scott</b>	7/27/2009	RJ	See analysis in EA
NP	Wildlife, Aquatic (Finding on Standard 3)	<b>McGuire</b>	4/24/08	MM	There is no aquatic wildlife present in the proposed project area.
PI	Wildlife, Terrestrial (Finding on Standard 3)	<b>McGuire</b>	4/24/08	MM	See analysis in EA.
<b>OTHER NON-CRITICAL ELEMENTS</b>					
NU	Access/Transportation	<b>Monkouski</b>	8/7/09	JJM	The proposed action would still permit access to the existing route leading up the hill. No impacts.
NP	Forest Management	<b>K. Belcher</b>	7/27/09	KB	The Proposed Action is located in sagebrush vegetation.
NI	Geology and Minerals	<b>Hodgson</b>	8/3/09	KH	No impacts.
NP	Fire	<b>Wyatt</b>	3/10/2009	BBW	No impacts.
NI	Hydrology/Water Rights	<b>Belcher</b>	7/27/2009	PB	There are no impacts to private or public water

				rights from the Proposed Action. General hydrologic concerns are addressed in the Soil Section of this E.A.	
NI	Paleontology	<b>Rupp</b>	4/1/2009	FGR	No Impacts.
NI	Noise	<b>Monkouski</b>	8/3/09	JJM	There would be a short-term increase in noise levels in the project area while road construction activities occur.
NP	Range Management	<b>Johnson Torma Scott</b>	7/27/2009	RJ	There is no livestock grazing within the project area.
NI	Lands/ Realty Authorizations	<b>Cassel</b>	8/3/09	SC	There are three ROW's along the Highway Corridor: COC 0 0478 to CDOT for Hwy. 125; COC-12512 to Mountain Parks Electric; COC-53365 to Qwest. There would be no impacts from the Proposed Action or the No Action Alternative. There are no leases or permits in the location of the proposed action.
NI	Recreation	<b>Monkouski Windsor</b>	8/7/09	JJM	Recreation opportunities in the area include hunting, hiking, horseback riding, OHV use, and camping. Access to existing routes and public lands would not be impacted and the area recreational opportunities would not be effected. No impacts.
NI	Socio-Economics	<b>Cassel</b>	8/3/09	SC	There would be no socio-economic impacts from the proposed action or the no action alternative.
NI	Visual Resources	<b>Windsor</b>	7/14/09	AW	The area has been inventoried as visual Class III. As a result of its proximity to Hwy 125, the proposed action would attract attention from a casual viewer, but would not dominate the landscape. The level of change to the landscape would be moderate.
PI	Cumulative Impact Summary	<b>Cassel</b>	8/3/09	SC	See analysis in EA
FINAL REVIEW					
	P&E Coordinator	<b>McFadden</b>	8/12/09	PM	

## Appendix 2

### **NATIVE AMERICAN TRIBES CONTACTED:**

Ivan Posey, Chairman  
Shoshone Business Council  
Shoshone Tribe  
P O Box 538  
Ft. Washakie, WY 82514

Mr. Norman Tidzump  
Tribal Historic Preservation Officer  
Shoshone Tribe, Cultural Center  
P.O. Box 538  
Fort Washakie, WY 82514

Ernest House, Sr., Chairman  
Ute Mountain Ute Tribe  
P O Box JJ  
Towaoc, CO 81334

Mr. Terry Knight, Sr., NAGPRA Representative  
Ute Mountain Ute Tribe  
P O Box 468  
Towaoc, CO 81334

Harvey Spoonhunter, Chairman  
Northern Arapaho Business Council  
P O Box 328  
Fort Washakie, WY 82514

**VACANT**, THPO Director  
Northern Arapaho Tribe  
P O Box 396  
Fort Washakie, WY 82514

Ernest House, Jr., Executive Secretary  
Colorado Commissioner of Indian Affairs  
130 State Capitol  
Denver, Colorado 80203

Robert Goggles, NAGPRA Representative  
Northern Arapaho Tribe  
328 Seventeen Mile Road  
Arapaho, WY 82510

Mathew Box, Chairman  
Southern Ute Indian Tribe  
P O Box 737  
Ignacio, CO 81137

Neil Cloud, NAGPRA Representative  
Southern Ute Tribe  
Mail Stop #73  
Ignacio, CO 81137

Curtis Cesspooch, Chairman  
Uintah & Ouray Tribal Business Committee  
P O Box 190  
Ft. Duchesne, UT 84026

Betsy Chapoose, Director  
Cultural Rights & Protection Specialist  
Uintah & Ouray Tribe  
P O Box 190  
Fort Duchesne, UT 84026

STIPULATIONS  
FOR  
GRAND COUNTY ROAD 402  
C-55167

Mitigation:

1. In order to reduce impacts to migratory birds, no construction activities will take place from April 1<sup>st</sup> to July 15<sup>th</sup>.
2. In order to reduce impacts to Greater sage-grouse, no construction activities will take place from March 1<sup>st</sup> to June 30<sup>th</sup>.

Design Features:

1. Grand County shall be responsible for weed control following completion of the project.
2. At a minimum, cut and fill slopes shall be less than 1:1.
3. The road shall be crowned to provide good drainage.
4. The road's ditch shall be constructed to reduce water downcutting the ditches.
5. At the highway turnoff, a culvert shall be installed. The minimum diameter for culverts shall be 18 inches.
6. The reclaimed areas shall be scarified and good drainage created on any reclaimed slope to prevent rilling.
7. All scraped topsoil (top 4 inches) and vegetative material from the road construction shall be spread on areas to be seeded, including the reclaimed area to improve seeding success.
8. If the entire road project is 1.0 acres or more, the county is responsible for obtaining a stormwater permit.

Standard Stipulations

1. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
2. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the

authorized officer. Use of pesticides shall be approved in writing by the authorized officer prior to such use.

3. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support construction equipment.
4. Holder shall limit excavation to the areas of construction. No borrow areas for fill material will be permitted on the site or any other public land. All waste material resulting from construction or use of the site by holder shall be removed from the site. All waste disposal sites on public land must be approved in writing by the authorized officer in advance of use.
5. All disturbed areas, excluding the road surface of the newly constructed county road, shall be revegetated in such a way as to establish a diverse, effective, and long-lasting vegetative cover that is capable of self-regeneration without continued dependence on irrigation, soil amendments, or fertilizer, and is at least equal in extent of cover to the natural vegetation of the surrounding area. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorized officer.
6. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
7. The holder shall use best management practices to prevent and control soil erosion.
8. The holder is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.

The holder shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of operations under this authorization (16 U.S.C. 470.-3, 36 CFR 800.112). The holder shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed will be based upon evaluation of the object(s). Evaluation



shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the holder shall bear the cost of the services of a non-Federal professional.

Within five working days the Authorized Officer will inform the holder as to:

- whether the materials appear eligible for the National Register of Historic Places;
- the mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- a timeframe for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.

If the holder wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the holder will be responsible for mitigation costs. The Authorized Officer will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the holder will then be allowed to resume construction.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource will also be included in this evaluation and/or mitigation.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization will also be protected. Impacts that occur to such resources, that are related to the authorizations activities, will be mitigated at the holder's cost.

Stipulations that specifically apply to known cultural, paleontological, antiquities and objects of scientific interest are attached.

9. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized office.
10. If paleontological materials (fossils) are discovered during construction activities, the operator is to immediately stop activities that might further disturb such materials and contact the CDOT Staff Paleontologist who will be responsible for contacting the Authorized Officer. The operator and the Authorized Officer shall consult and determine the best option for avoiding or mitigating the paleontological site.
11. Thirty days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will

be held to agree to an acceptable termination and rehabilitation plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

SEED MIX FOR RECLAMATION OF COUNTY ROAD 402  
AUGUST 2009

SPECIES	VARIETY	SCIENTIFIC NAME	SEEDING RATE
Western Wheatgrass	Arriba	<i>Pascopyrum smithii</i>	6.0 lbs PLS*/acre
Bluebunch Wheatgrass	Goldar	<i>Pseudoroegneria spicatum</i>	6.0 lbs PLS/acre
Canby Bluegrass	Canbar	<i>Poa canbyi</i>	1.0 lbs PLS/acre
Indian Ricegrass	Nezpar	<i>Achnatherum hymenoides</i>	<u>4.0 lbs PLS/acre</u>
TOTAL			17.0 lbs PLS/acre

Seeding rates are for broadcast seeding. Seeding rate may be halved for drill seeding.

All seed must be certified weed free

\* PLS = pure live seed